United Nations A/C.3/69/L.18

General Assembly

Distr.: Limited
13 October 2014

Original: English

Sixty-ninth session
Third Committee
Agenda item 105
Crime prevention and criminal justice

Colombia: draft resolution

Preventing and combating corrupt practices and the transfer of proceeds of corruption, facilitating asset recovery and returning such assets to legitimate owners, in particular to countries of origin, in accordance with the United Nations Convention against Corruption

The General Assembly,

Recalling its resolutions 54/205 of 22 December 1999, 55/61 of 4 December 2000, 55/188 of 20 December 2000, 56/186 of 21 December 2001 and 57/244 of 20 December 2002, and recalling also its resolutions 58/205 of 23 December 2003, 59/242 of 22 December 2004, 60/207 of 22 December 2005, 61/209 of 20 December 2006, 62/202 of 19 December 2007, 63/226 of 19 December 2008, 64/237 of 24 December 2009, 65/169 of 20 December 2010, 67/189 and 67/192 of 20 December 2012 and 68/195 of 18 December 2013 and all relevant Human Rights Council resolutions,

Welcoming the entry into force on 14 December 2005 of the United Nations Convention against Corruption,[1]

Recalling the United Nations Convention against Corruption, which is the most comprehensive and universal instrument on corruption, and recognizing the need to continue to promote ratification or accession to the Convention and its full implementation,

Recalling also that asset recovery is an integral part of the Convention,

Recalling further article 51 of the Convention, which obligates States parties to the Convention to afford one another the widest measure of cooperation and assistance with regard to asset return,

[1] United Nations, *Treaty Series*, vol. 2349, No. 42146.

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Recognizing that fighting corruption at all levels is a priority and that corruption is a serious barrier to effective resource mobilization and allocation and diverts resources away from activities that are vital for poverty eradication and sustainable development,

Reaffirming the importance of respect for human rights, the rule of law, good governance and democracy in the fight against corruption,

Recognizing that supportive national legal systems are essential in preventing and combating corrupt practices, facilitating asset recovery and returning the proceeds of corruption to legitimate owners,

Bearing in mind the need to promote and strengthen measures to prevent and combat corruption more efficiently and effectively, that the return of assets is one of the main objectives and a fundamental principle of the Convention and that the States parties to the Convention are obligated to afford one another the widest measure of cooperation in that regard,

Recalling the purposes of the Convention, including to promote the integrity, accountability and proper management of public affairs and public property,

Reaffirming the commitment of States parties to the Convention, and determined to give effect to the obligations set out in chapter V of the Convention in order to prevent, detect, deter and recover in a more effective manner the international transfer of proceeds of crime and to strengthen international cooperation in asset recovery,

Recognizing that those who engage in corrupt acts, whether natural or legal persons, consistent with domestic law and the requirements of the Convention, should be held accountable and prosecuted by their domestic authorities, and that all efforts should be made to conduct a financial investigation into assets illegally acquired by them and to recover such assets through domestic confiscation proceedings, international cooperation for purposes of confiscation or appropriate direct recovery measures,

Acknowledging that the fight against all forms of corruption requires comprehensive anti-corruption frameworks and strong institutions at all levels, including at the local and international levels, able to undertake efficient preventive and law enforcement measures in accordance with the Convention, in particular chapters II and III thereof,

Recognizing that the success of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption depends on the full commitment and constructive engagement of all States parties to the Convention in a progressive and comprehensive process, and recalling in that regard resolution 3/1 of 13 November 2009 of the Conference of the States Parties to the United Nations Convention against Corruption,[2] including the terms of reference of the Mechanism contained in the annex to that resolution,

Noting with appreciation that more than 160 States parties to the United Nations Convention against Corruption have been involved in the ongoing review process and the support provided by the United Nations Office on Drugs and Crime in this regard,

[2] See CAC/COSP/2009/15, sect. I.A.

Bearing in mind that the prevention and eradication of corruption is a responsibility of all States and that they must cooperate with one another, with the support and involvement of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, if their efforts in this area are to be effective,

Reaffirming its concern about the laundering and transfer of stolen assets and proceeds of corruption, and stressing the need to address this concern in accordance with the Convention,

Noting the efforts made by all States parties to the Convention in tracing, freezing and recovering their stolen assets, and underlining the need to redouble efforts to assist in the recovery of those assets in order to preserve stability and sustainable development,

Noting also the work of other initiatives in asset recovery, such as the Arab Forum on Asset Recovery, and welcoming efforts to enhance cooperation between requesting and requested States,

Recognizing that States continue to face challenges in recovering assets owing to differences between legal systems the complexity of multijurisdictional investigations and prosecutions, the limited implementation of effective domestic tools such as non-conviction-based forfeiture for asset recovery, as well as other administrative or civil procedures leading to confiscation, lack of familiarity with the mutual legal assistance procedures of other States and difficulties in identifying the flow of corruption proceeds, and noting the particular challenges posed in recovering the proceeds of corruption in cases involving individuals who are or have been entrusted with prominent public functions, as well as their family members and close associates,

Concerned about the difficulties, particularly the legal and practical difficulties, that both requested and requesting States face in asset recovery, taking into account the particular importance of the recovery of stolen assets for sustainable development and stability, and noting the difficulty of providing information establishing a link between proceeds of corruption in the requested State and the crime committed in the requesting State, which in many cases can be difficult to prove,

Recognizing the common difficulties experienced by States parties to the Convention in establishing a nexus between identified assets and the crime from which such assets are derived, and emphasizing the critical importance of effective domestic investigative efforts and international cooperation to overcome such difficulties,

Recognizing also the critical importance of effective international cooperation in efforts to combat corruption, particularly with respect to offences specified in the Convention with a transnational element, and encouraging continued cooperation by States parties, consistent with the requirements of the Convention, in all efforts to investigate and prosecute natural and legal persons, including the use of other legal mechanisms, where appropriate, for offences specified in the Convention and to recover assets related to such offences, consistent with chapter V of the Convention,

Calling upon all States parties to the Convention and, in particular, requested and requesting States, to cooperate to recover the proceeds of corruption and

demonstrate strong commitment to ensure the return or disposal of such proceeds in accordance with article 57 of the Convention,

Noting the responsibility of requesting and requested States parties to cooperate to ensure that a greater proportion of the proceeds emanating from corruption are recovered, returned or otherwise disposed of in accordance with the provisions of the Convention,

Taking into account the need to hold corrupt officials accountable by depriving them of their stolen assets,

Reiterating its concern about the seriousness of problems and threats posed by corruption to the stability and security of societies, undermining the institutions and the values of democracy, ethical values and justice and jeopardizing sustainable development and the rule of law, in particular when an inadequate national and international response leads to impunity,

Concerned about the negative impact of widespread corruption on the enjoyment of human rights, recognizing that corruption constitutes one of the obstacles to the effective promotion and protection of human rights, as well as to the achievement of the Millennium Development Goals and other internationally agreed development goals, and recognizing also that corruption may disproportionately affect the most disadvantaged individuals of society,

Noting with appreciation the ongoing efforts by regional organizations and forums to strengthen cooperation in combating corruption, which aim, inter alia, to ensure openness and transparency, combat domestic and foreign bribery, tackle corruption in high-risk sectors, strengthen international cooperation and promote public integrity and transparency in the fight against corruption, which fuels illicit trade and insecurity and is a tremendous barrier to economic growth and the safety of citizens,

1. *Takes note* of the report of the Secretary-General;[3]

2. *Condemns* corruption at all levels and in all its forms, including bribery, as well as the laundering of proceeds of corruption and other forms of economic crime;

3. *Expresses concern* about the magnitude of corruption at all levels, including the scale of stolen assets and proceeds of corruption, and in this regard reiterates its commitment to preventing and combating corrupt practices at all levels, in accordance with the United Nations Convention against Corruption;[1]

4. *Welcomes* the significant number of Member States that have already ratified or acceded to the Convention, and in this regard urges all Member States and competent regional economic integration organizations, within the limits of their competence, that have not yet done so to consider ratifying or acceding to the Convention as a matter of priority, and urges all States parties to take appropriate measures to ensure its full and effective implementation;

5. *Notes with appreciation* the work carried out under the Mechanism for the Review of Implementation of the United Nations Convention against Corruption and by the Implementation Review Group, and urges Member States to continue to support this work and make every possible effort to provide comprehensive

[3] A/69/94.

information and adhere to the timelines for review as contained in the guidelines for governmental experts and the secretariat in the conduct of country reviews;[4]

6. *Welcomes* the progress made in the first review cycle of the Mechanism and the efforts made by the United Nations Office on Drugs and Crime in support of the Mechanism, and encourages the use of the lessons learned during the first review cycle in order to improve the implementation of the Convention;

7. *Encourages* Member States to engage actively in the preparation of the review of chapter II, on prevention measures, and chapter V, on asset recovery, of the United Nations Convention against Corruption in the second review cycle of the Mechanism;

8. *Notes with appreciation* the work of the Open-ended Intergovernmental Working Groups on Asset Recovery, on the Prevention of Corruption and on Review of the Implementation of the United Nations Convention against Corruption and the open-ended intergovernmental expert meeting to enhance international cooperation under the United Nations Convention against Corruption, and calls upon States parties to the Convention to support the work of all of the subsidiary bodies of the Conference of the States Parties to the United Nations Convention against Corruption;

9. *Renews* the commitment of all States parties to the Convention to effective national action and international cooperation to give full effect to chapter V of the Convention and to contribute effectively to the recovery of the proceeds of corruption;

10. *Urges* Member States to combat and penalize corruption in all its forms, as well as the laundering of proceeds of corruption, to prevent the acquisition, transfer and laundering of proceeds of corruption and to work for the prompt recovery of such assets in accordance with the principles of the Convention, including chapter V;

11. *Calls upon* States parties to the Convention to give particular and timely consideration to the execution of international mutual legal assistance requests that need urgent action, including those related to the States concerned in the Middle East and North Africa, as well as other requesting States, and to ensure that the competent authorities of requested States have adequate resources to execute requests, taking into account the particular importance of the recovery of these assets for sustainable development and stability;

12. *Calls upon* States parties to the Convention that have yet to designate a central authority for international cooperation in accordance with the Convention to do so, and to appoint focal points for the purposes of international cooperation and mutual legal assistance in asset recovery, and, where appropriate, encourages States parties to make full use of the network of focal points of the Open-ended Intergovernmental Working Group on Asset Recovery to facilitate cooperation and the implementation of the Convention;

13. *Encourages* States parties to the Convention to use and promote informal channels of communication, in particular prior to making formal requests for mutual legal assistance, by, inter alia, designating officials or institutions, as appropriate, with technical expertise in international cooperation in asset recovery to assist their counterparts in effectively meeting requirements for formal mutual legal assistance;

[4] CAC/COSP/IRG/2010/7, annex I.

14. *Calls upon* States parties to the Convention to remove barriers to asset recovery, including by simplifying their legal procedures and preventing abuse of those procedures;

15. *Encourages* States parties to the Convention to give full effect to the resolutions of the Conference of the States Parties to the Convention;

16. *Calls upon* States parties to the Convention to afford one another the widest possible cooperation and assistance in the identification and recovery of stolen assets and proceeds of corruption and to give particular and timely consideration to the execution of requests for international mutual legal assistance, in accordance with the Convention, and to afford one another the widest possible cooperation and assistance in the extradition of individuals accused of the predicate offences, in accordance with their obligations under the Convention;

17. *Urges* States parties to the Convention to ensure that procedures for international cooperation allow for the seizure and/or restraint of assets for a time period sufficient to preserve those assets in full pending confiscation proceedings in another State, to ensure that there are adequate mechanisms in place to manage and preserve the value and condition of assets pending the conclusion of confiscation proceedings in another State and to allow or expand cooperation in the enforcement of foreign judgements and restraint orders and confiscation judgements, including through awareness-raising for judicial authorities;

18. *Also urges* States parties to the Convention to take a proactive approach to international cooperation in asset recovery by making full use of the mechanisms provided for in chapter V of the Convention, including initiating requests for assistance, making spontaneous disclosures of information on proceeds of offences to other States parties and considering making requests for notifications, in accordance with article 52, paragraph 2 (b) of the Convention, and, where appropriate, implementing measures to permit the recognition of non-conviction-based forfeiture judgements;

19. *Encourages* Member States, where appropriate and consistent with their national legal systems, to consider assisting each other in investigations of and proceedings in civil and administrative matters relating to corruption;

20. *Also encourages* Member States to fight against all forms of corruption by increasing transparency, integrity, accountability and efficiency in the public and private sectors, and recognizes in this regard the need to prevent impunity by prosecuting corrupt officials and those who corrupt them and to cooperate in their extradition, in accordance with the obligations under the Convention;

21. *Stresses* the need for transparency in financial institutions, invites Member States to work on the identification and tracing of financial flows linked to corruption, the freezing or seizing of assets derived from corruption and the return of such assets, in accordance with the Convention, and encourages the promotion of human and institutional capacity-building in that regard;

22. *Calls upon* States parties to the Convention to give timely consideration to mutual legal assistance requests relating to the identification, freezing, tracing and/or recovery of proceeds of corruption and to respond effectively to requests for exchange of information related to proceeds of crime, property, equipment or other instruments referred to in article 31 of the Convention situated in the territory of the

requested State party, in accordance with the provisions of the Convention, including article 40;

23. *Calls upon* States to develop and implement or maintain effective, coordinated anti-corruption policies that promote the participation of society and reflect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability;

24. *Welcomes* the efforts of Member States that have enacted laws and taken other positive measures in the fight against corruption in all its forms, and in this regard encourages Member States that have not yet done so to enact such laws and to implement effective measures at the national level, in accordance with the Convention;

25. *Reaffirms* the need for Member States to take measures to prevent the transfer abroad and laundering of assets derived from corruption, including to prevent the financial institutions in both countries of origin and countries of destination from being used to transfer or receive illicit funds, as well as to assist in their recovery and to return such assets to the requesting State, in accordance with the Convention;

26. *Calls upon* Member States to continue to work with all stakeholders in international and domestic financial markets to deny safe haven to assets acquired illicitly by individuals engaged in corruption, to deny entry and safe haven to corrupt officials and those who corrupt them and to enhance international collaboration in the investigation and prosecution of corruption offences, as well as in the recovery of proceeds of corruption;

27. *Urges* all Member States to abide by the principles of proper management of public affairs and public property, fairness, responsibility and equality before the law and the need to safeguard integrity and to foster a culture of transparency, accountability and rejection of corruption, in accordance with the Convention;

28. *Calls for* further international cooperation, inter alia, through the United Nations system, in support of national, subregional and regional efforts to prevent and combat corrupt practices and the transfer and laundering of proceeds of corruption, in accordance with the principles of the Convention, and in this regard encourages close and enhanced coordination, cooperation and synergies between anti-corruption agencies, law enforcement agencies and financial intelligence units;

29. *Stresses* the need for further cooperation and coordination among the different international, regional and subregional organizations and initiatives mandated to prevent and combat corruption;

30. *Requests* the Secretary-General to continue to provide the United Nations Office on Drugs and Crime with the resources necessary to enable it to promote, in an effective manner, the implementation of the Convention and to discharge its functions as the secretariat of the Conference of the States Parties to the Convention, and also requests the Secretary-General to ensure that the Mechanism for the Review of Implementation of the Convention is adequately funded, consistent with the resolution adopted by the Conference of the States Parties at its fourth session;[5]

31. *Reiterates its call upon* the private sector, at both the international and the national levels, including small and large companies and transnational corporations,

[5] CAC/COSP/2011/14, sect. I.A, resolution 4/1

to remain fully engaged in the fight against corruption, notes in this context the role that the Global Compact can play in fighting corruption and promoting transparency, and emphasizes the need for all relevant stakeholders, including within the United Nations system, as appropriate, to continue to promote corporate responsibility and accountability;

32. *Recognizes* the important role of business and public-private partnerships in promoting measures to fight corruption, especially measures that support the promotion of ethical business practices in interactions between government, business and other stakeholders;

33. *Acknowledges* that non-tolerance of corruption will be achieved by working in partnership with businesses and civil society, and encourages Member States to implement and raise awareness regarding effective anti-corruption education programmes;

34. *Urges* the international community to provide, inter alia, technical assistance to support national efforts to strengthen human and institutional capacity aimed at preventing and combating corrupt practices and the transfer of proceeds of corruption and to facilitate asset recovery and the return of such proceeds in accordance with the Convention, and to support national efforts in formulating strategies for mainstreaming and promoting anti-corruption efforts, transparency and integrity in both the public and the private sectors;

35. *Urges* States parties and signatories to the Convention to strengthen the capacity of legislators, law enforcement officials, judges and prosecutors to deal with matters relating to asset recovery, including in the areas of mutual legal assistance, confiscation, criminal confiscation and, where appropriate, non-conviction-based forfeiture, in accordance with national law and the Convention, and civil proceedings, and to give the highest consideration to providing technical assistance in those fields, upon request;

36. *Encourages* Member States to exchange and share with each other, including through regional and international organizations, as appropriate, information on lessons learned and good practices, as well as information related to technical assistance activities and initiatives in order to strengthen international efforts to prevent and combat corruption;

37. *Encourages* States parties to the Convention to provide regular updates and to expand, where appropriate, the information contained in the relevant databases of knowledge on assets recovery, such as Tools and Resources for Anti-Corruption Knowledge and Asset Recovery Watch, taking into consideration constraints on information-sharing based on confidentiality requirements;

38. *Encourages* the collection and systematization of good practices and tools in the cooperation for asset recovery, including the use and expansion of secure information-sharing tools with a view to enhancing early and spontaneous information exchange insofar as possible and in accordance with the Convention;

39. *Also encourages* the collection of substantial information duly researched and regularly published by recognized organizations and representatives of civil society;

40. *Calls upon* requesting and requested States with practical experience in asset recovery to develop, as appropriate, in cooperation with interested States and

providers of technical assistance, non-binding practical guidelines, such as a step-by-step guide, for efficient asset recovery, with a view to enhancing effective approaches to asset recovery based on the lessons learned from past cases, being mindful to seek to add value by building upon existing work in this area;

41. *Encourages* States parties to the Convention to share approaches and practical experience for the return of assets, consistent with article 57 of the Convention, for further dissemination through the Secretariat;

42. *Encourages* requesting States to ensure that adequate national investigative procedures have been initiated and substantiated for the purpose of presenting mutual legal assistance requests, and in this context encourages requested States to provide, when appropriate, information on legal frameworks and procedures to the requesting State;

43. *Encourages* States parties to the Convention to compile and provide information in accordance with article 52 of the Convention and to undertake other actions that help to establish the linkage between assets and offences under the Convention;

44. *Notes with appreciation* the Stolen Asset Recovery Initiative of the United Nations Office on Drugs and Crime and the World Bank and its cooperation with relevant partners, including the International Centre for Asset Recovery, and encourages coordination among existing initiatives;

45. *Notes* the work of other initiatives in the field of asset recovery, such as the Arab Forum on Asset Recovery, and welcomes their efforts to enhance cooperation between requesting and requested States;

46. *Welcomes* the work of the International Anti-Corruption Academy, a centre of excellence for education, training and academic research in the anti-corruption field, including in the area of asset recovery, and looks forward to its continued efforts in this regard to promote the goals and implementation of the Convention;

47. *Also welcomes* the holding of the fifth session of the Conference of States Parties to the Convention, in Panama City from 25 to 29 November 2013 and its outcomes and contributions to promoting the implementation of the Convention, and reiterates its appreciation for the offer by the Government of the Russian Federation to host the sixth session of the Conference of the States Parties in 2015;

48. *Requests* the Secretary-General, within existing reporting obligations, to include in his report to the General Assembly at its seventieth session under the item on crime prevention and criminal justice an analytical section entitled "Preventing and combating corrupt practices and the transfer of proceeds of corruption, facilitating asset recovery and returning such assets to legitimate owners, in particular to countries of origin, in accordance with the United Nations Convention against Corruption", and also requests the Secretary-General to transmit to the Assembly the report of the Conference of the States Parties to the Convention on its sixth session.